

**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As the below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated immediately below next to my name;

Full name of inventor:	Russell A. Houser
Residence (City/State):	Livermore, California
Mailing Address:	1787 Verdite Street Livermore, California 94550
Citizenship:	United States

I believe I am an original, first, and sole inventor (if only one name appears above, or a joint inventor if more than one name appears above) of the subject matter which is claimed and for which a patent is sought on the invention entitled PERCUTANEOUS TRANSMYOCARDIAL REVASCULARIZATION (PTMR) SYSTEM, the specification of which is attached hereto.

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (or §365) of any foreign application(s) for patent or inventor's certificate listed pursuant to §119 (a)-(d) or of any provisional patent application(s) listed pursuant to §119(e), and have identified any such application(s) for patent or inventor's certificate having a filing date before this application:

<u>60/147,687</u>	<u>U.S.</u>	<u>06 August 1999</u>
(Number)	(Country)	(Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this

application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information in accordance with Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

08/376,226	January 23, 1995	U.S. Patent No. 5,665,062
08/899,490	July 19, 1997	U.S. Patent No. 5,876,369
<u>09/256,020</u>	<u>February 23, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing date)	(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, Frederick W. Niebuhr, Registration No. 27,717, John F. Klos, Registration No. 37,162 and Aleya Rahman Champlin, Registration No. 36,251 and LARKIN, HOFFMAN, DALY & LINDGREN, LTD., 1500 Norwest Center, 7900 Xerxes Avenue South, Bloomington, Minnesota 55431-3333, my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continued prosecution application, continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

Please direct all communications concerning this application to:

Frederick W. Niebuhr  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
1500 Norwest Center  
7900 Xerxes Avenue South  
Bloomington, Minnesota 55431-3333  
(612) 896-1520

Wherefore, I pray that Letters Patent be granted for the invention or discovery described and claimed in the above-referenced specification including the claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

Full name of inventor:

Russell A. Houser

Inventor's signature:



Date:

8/1/00

#605011 v1 - POA/Houser 7/31/00

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Russell A. Houser

Attorney Docket: 23,393-37

Serial No: 09/

Filed:

For: Percutaneous Transmyocardial Revascularization (PTMR) System

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

DECLARATION CLAIMING SMALL ENTITY STATUS UNDER  
37 CFR 1.9(f) AND 1.27 (b) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office with regard to the invention entitled Percutaneous Transmyocardial Revascularization (PTMR) System:

- ☒ the specification filed herewith
- ☐ the above-identified patent application
- ☐ the above-identified patent.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a non-profit organization under 37 CFR §1.9(e).

I hereby identify each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention:

- ☒ There is no such person, concern, or organization.
- ☐ Each such person, concern, or organization is listed below.

Name:

Address:

☐ Individual                      ☐ Small Business Concern                      ☐ Nonprofit Organization

[Separate verified statements are required from each named person, concern or organization having rights to the invention regarding small entity status.  
(37 CFR §1.9(f)).]

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the loss of entitlement to small entity status. (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of inventor: Russell A. Houser

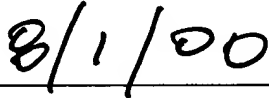
Address

1787 Verdite Street  
Livermore, CA 94550

Inventor's Signature:



Dated:



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